



23 JAN 2006

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In re Application of
STALDER, et al.
U.S. Application No.: 10/527,817
PCT No.: PCT/CH02/00397

Int. Filing Date: 17 July 2002

Priority Date: 14 December 2001

Attorney Docket No.: 5019-1003

For: WATCH CASE BASE AND METHOD FOR
MAKING SAME

DECISION ON REQUEST

UNDER 37 CFR 1.42

This decision is in response to applicant's "Response to Notification of Missing Requirements" filed in the United States Patent and Trademark Office (USPTO) on 24 October 2005. The response is being treated as a request for status under 37 CFR §1.42. No petition fee is due.

BACKGROUND

On 09 August 2005, applicant was mailed a decision granting applicant's petition to revive pursuant to 37 CFR 1.137(b).

On 22 August 2005, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 24 October 2005, applicant filed the present response. 22 October 2005 being a Saturday, the present response is considered timely filed..

DISCUSSION

Pursuant to 37 CFR 1.42, first sentence:

"In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain a patent."

The declaration filed 24 October 2005 is executed by co-inventor Alain Maillard. In addition, the declaration is executed by Daniel Boillod as the legal representative to estate of deceased co-inventor, Philippe Stalder. The declaration provides the residence, post office address and country of citizenship for both the deceased inventor and his legal representative. Therefore, it is proper to grant applicant's request for status under 37 CFR 1.42 at this time.

CONCLUSION

Applicant's petition under 37 CFR 1.42 is **GRANTED**.

This application will be given an international application filing date of 17 July 2002 and a date of **24 October 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the DO/EO/US for processing in accordance with this decision.



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